



Appeal Decision

Site visit made on 7 March 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2025

Appeal Ref: APP/W1525/W/24/3348512

Hawthorns, Wantz Road, Margaretting, Ingatestone, Essex CM4 0EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr W Bruce against the decision of Chelmsford City Council.
 - The application Ref is 24/00401/FUL.
 - The development proposed is demolition of existing residential dwelling, commercial buildings and storage areas and construction of three detached dwellings.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing residential dwelling, commercial buildings and storage areas and construction of three detached dwellings at Hawthorns, Wantz Road, Margaretting, Ingatestone, Essex CM4 0EP in accordance with the terms of the application, Ref 24/00401/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) has been published. The main parties have been given the opportunity to comment on any implications, and I have determined the appeal on the basis of the submissions received overall.
3. Drawing 2023-749-030 Rev B has been supplied as part of the appeal. It amends the internal layout of the proposed dwellings at plots 1 and 2, bringing bedrooms at each into line with Nationally Described Space Standards. The Council is content that this overcomes reason for refusal 2 on the decision notice. I see no reason to disagree.

Main Issues

4. The main issues are whether the development is inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, and the effect of the proposed development on the openness of the Green Belt.

Reasons

Whether inappropriate development

5. The appeal site (the site) is previously developed land in the Green Belt. Paragraph 153 of the Framework states that development in the Green Belt is inappropriate save for certain exceptions. These include, at 154(g), the partial or

complete redevelopment of previously developed land (including a material change of use to residential) where it would not *cause substantial harm to the openness of the Green Belt*. At the time the application was determined, the applicable requirement was that development not *have a greater impact on the openness of the Green Belt than the existing development* [my emphases].

6. Policies S1 and S11 of the Chelmsford Local Plan (2020) (the Local Plan) protect the openness and permanence of the Green Belt and prohibit inappropriate development therein, save for in very special circumstances, which the supporting text states are as defined by the Framework. Policy DM6 of the same plan supports the redevelopment of previously developed Green Belt land where it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing use and/or development. The policy no longer adheres directly to the Framework, and I attach greater weight to the latter accordingly; The appeal proposal would not be inappropriate if it would not cause substantial harm to the openness of the Green Belt.

Openness

7. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. There are existing buildings at the site with a footprint of some 408m². These are surrounded by a continuous hardsurface and a menage area. The appeal scheme would replace these with three dwellings with a total footprint of some 231m², arranged around a central access. Aside from modest patio areas and sheds, the site would otherwise be laid to lawn. The proportion of the site surface covered by development would be no greater than at present.
8. There is disagreement as to the effect of the scheme on the total volume of development at the site; The Council consider the existing buildings to comprise some 1400m³ and the proposed at least 1856m³. The appellant puts it at some 1515m³ and 1303m³. Neither party has provided detailed calculations, though the appellant has identified the volume of each of the three dwellings individually and, based on the plans, I see no reason to disagree with those figures. As such, even if the existing development at the site has a volume of only 1400m³, the appeal scheme would result in a reduction. Overall, in a spatial sense, the appeal scheme would not cause substantial harm to openness.
9. Much of the front of the site is marked by a close-boarded fence and a long hedgerow. This does much to block views inwards. That said, I nevertheless found the highest parts of the two larger existing buildings to be evident from along Wantz Road. As both buildings run broadly parallel to the road, the width of them was particularly noticeable, and served to indicate quite clearly the built-up nature of the site. Views inwards from near the site entrance are dominated by the two larger existing buildings. The rearmost of these forms the backdrop to the foremost, protruding to the side and above, and creating a sense that the site is comprehensively developed. This is exacerbated by the continuous nature of the hardsurface which, even based on that which can be seen from the road, looks more the basis for a working yard than a simple means of access. Views of the site are available from the upper floor windows of dwellings immediately to the south, on the opposite side of Wantz Road. Overall, the significantly developed nature of the site is noticeable from outside of it.

10. The height of the proposed houses is greater than that of the existing buildings, and the dwelling at plot 3 would be sited where it would be more directly visible from the site entrance. The proposed dwellings would catch the eye in different ways to the existing buildings, therefore, and make clear the redevelopment of the site to passers by. Even so, given the significant extent to which the site already appears built-up, the appeal scheme would not give it a more developed appearance. In a visual sense, the appeal scheme would not cause substantial harm to openness.
11. The proposed development is not inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, and the effect of the proposed development on the openness of the Green Belt.

Conditions

12. The Council has provided a list of suggested planning conditions, which I have considered against paragraph 57 of the Framework, and advice contained in the Planning Practice Guidance.
13. In addition to the standard conditions, I have imposed a condition requiring clarification as to site and development levels to ensure the extent of the approved development is accurately established. Conditions requiring agreement over external materials, boundary treatments, and hard and soft landscaping are required to ensure the satisfactory appearance of the development, an appropriate contribution to biodiversity, and the appropriate segregation of the dwellings. A condition addressing contamination is required to ensure no harmful pollution or contamination affects future occupiers. Details requiring agreement over refuse and recycling facilities are required to ensure suitable facilities are supplied.
14. Conditions governing the nature, extent, and use of the hardsurfaces on site, including the access and parking areas, are required to ensure adequate drainage, and highway safety. Conditions requiring electric vehicle charging points and water efficiency are required to ensure appropriate sustainability measures are contained in the development, in accordance with Policy DM25 of the Local Plan. A condition controlling external lighting is required to guard against light pollution.
15. The PPG advises that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. In this case, given the absence of objection from the appellant and the benefits to privacy, I shall impose conditions of that type as suggested by the Council.

Conclusion

16. I conclude that the appeal scheme would comprise the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt. It would therefore not be inappropriate development in the Green Belt. The appeal is allowed.

A Knight

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with Ecological Survey prepared by Hybrid Ecology Ltd and dated September 2023; Planning Statement; Desk Study Report prepared by STM Environmental and dated 03/08/2023, as submitted with the application, and with drawings 2023-749-001A; 2023-749-002 Rev B; 2023-749-030 Rev B; 2023-749-031 Rev A.
- 3) Prior to any construction works, detailed drawings and sections showing the finished levels of all parts of the development in relation to the levels of the surrounding area and neighbouring buildings shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4)
 - a) No development shall take place until a scheme to assess and deal with any contamination of the site has been submitted to and approved in writing by the local planning authority.
 - b) Prior to the occupation or first use of the development, any remediation of the site found necessary shall be carried out, and a validation report to that effect submitted to the local planning authority for written approval and the development shall be carried out in accordance with that scheme.
- 5) Prior to their use, samples of the materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 6)
 - a) Details of the proposed treatment of all boundaries, including drawings of any gates, fences, walls, railings, piers and any proposed boundaries shall be submitted to and approved in writing by the local planning authority.
 - b) The development shall not be occupied until the boundary treatments have been provided in accordance with the approved details.
- 7) Notwithstanding drawing no. 2023-749-002 Rev B, prior to their installation, details of the facilities for the storage of refuse and recyclable materials shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the facilities for the storage of refuse and recyclable materials have been provided in accordance with the approved details.
- 8) The areas of hardsurfacing hereby permitted shall be constructed using a permeable surface or shall include drainage to prevent discharge of surface water onto the Highway.
- 9) No unbound material shall be used in the surface treatment of the vehicular access hereby permitted within 6 metres of the highway boundary.
- 10) Prior to occupation of the development the shingle surfaced vehicular turning area, shown in the Proposed Site Plan, drawing no. 2023-749-002 Rev B, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

- 11) Prior to occupation of the development the 6no. vehicle parking spaces (at 2no. spaces per dwelling) area, shown in the Proposed Site Plan, drawing no. 2023-749-002 Rev B, shall be constructed and appropriately surfaced and ready for use, in accordance with the Parking Standards ready for use. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
- 12) Prior to the first occupation of the dwellings hereby permitted, three electric vehicle charging points shall be installed in locations as shown on approved drawing approved drawing no. 2023-749-002 Rev B.
- 13) All new dwelling units as hereby approved shall be constructed to achieve increased water efficiency to a standard of no more than 110 litres of water per person per day in accordance with Building Regulations Approved Document Part G (2015 - as amended).
- 14) Details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently these works shall be carried out as approved prior to the first occupation of any part of the development or in the first available planting season following such occupation. The landscaping details to be submitted shall include:
 - a) hard surfacing including pathways and driveways, other hard landscape features and materials;
 - b) existing trees, hedges or other soft features to be retained;
 - c) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
 - d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
 - e) Details of the planting of 3 trees per net new dwelling within the site and replacement of any lost trees;
 - f) Management details and a five year maintenance plan including replacement plant should any new planting should die, be felled, uprooted, damaged, or disturbed within a period of 5 years following commencement of the development.
- 15) No trees or hedges within the site other than those shown to be removed in the landscaping details submitted under condition 14 shall be felled, uprooted, damaged, or disturbed or removed prior to the commencement of the development or within a period of 5 years following commencement of the development. If any such tree is removed, uprooted, destroyed or dies prior to commencement of development or within a period of 5 years following commencement another tree shall be planted within the next available planting season. The location, size and species of replacement planting shall be as agreed in writing by the local planning authority.
- 16) Prior to their installation details of any means of external lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall then be installed in accordance with the approved details.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting

that Order with or without modification), the dwellings hereby permitted shall not be enlarged or extended without the grant of an additional planning permission by the local planning authority.

- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no windows or other openings other than those expressly authorised by this permission shall be constructed or inserted within the northern wall or roof of plot 1 of the development hereby permitted.
- 19) The planning permission hereby granted shall not be implemented in addition to or as well as any other outbuilding(s) permitted by the Town and Country Planning (General Permitted Development) Order 2015(or any Order revoking or re-enacting that Order with or without modification) commenced on or after the date of this planning permission but shall be an alternative to such development.

SCHEDULE ENDS